Scotts. II-27--40,004--6-11-28.

Jails (Genl) (1929) Department.

Jails SERIES.

G.O. No. 5(5) 12221

DATED 18. 5. 1929

[Despatch Abstract.]

Jails

Exhumation of corpse of convict - Sub-Jail, Mangalore - permitted as a special case.

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C.F. 30.

Madras Jail **DEPARTMENT.**

Z 3646

Received 13 MAY 1929 192 . *Registered* 13 MAY 1929 192

Subject.

Jails - Subjail, Mangalore - Exhumation of the body of Convict Narayaniya, buried in the Jail burial - ground - Petition from his son Ramappa to the District Magistrate, South Kanara -

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ENCLOSURES.
No.
Spare copies

G. No. 425

Station Ootacamund *Dated the* 11th May 1929.

From (Name) Lieut-Col.J.P.Cameron, C.I.E., I.M.S.,
(Designation) Inspector-General of Prisons,

To The Secretary to the Government of Madras,
Law (General) Department.

Sir,

I have the honour to forward herewith copies of the marginally noted correspondence, for information and favour of instructions.

1. Petition dated 29-4-'29 from Ramappa son of convict Narayaniya.
2. Endorsement dated 2-5-'29 of the - Superintendent, Subjail, Mangalore, to the District Magistrate, S.Kanara,
3. Endorsement No.781/29, dated 1-5-'29 of the Superintendent, Subjail, - Mangalore to the Inspector-General,
4. Letter No.5941 dated 6-5-'29 from the Inspector-General of Prisons to the Superintendent, Subjail, Mangalore.
5. Letter No.L.Dis.C-1-4026/29, dated 3-5-29 from the District Magistrate, S.Kanara to the Superintendent, Subjail, Mangalore.

I have the honour to be,
Sir,
Your most obedient servant,

J P Cameron

Lieut-Col.I.M.S
Inspector-General of Prisons.

2

Petition dated 29th April 1929 from Ramappa son of Narayaniya - convict - residing in Mattu village, Udipi Taluk, to the Collector and District Magistrate, South Kanara -

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My father Narayaniya was the fourth accused in Sessions cases 6 and 7 of 29 on the file of the Sessions Judge, South Kanara and was sentenced to transportation for life on 16-4-29 but he was ill at the time, and I learn that he died in the Sub jail, Mangalore, on the night of 26-4-29 and was buried by the jail authorities in the jail premises.

I had gone to Madras for filing an appeal against the conviction and sentence passed on him and when I returned here yesterday by mail I learnt about the death and the burial.

We are Brahmins governed by Mithakshshara Law, and according to our Shastras and customs, the body should be cremated and funeral obsequies and ceremonies have to be observed for twelve days. In cases of burials, the funeral obsequies and ceremonies cannot be commenced till 48 days after burial until then pollution continues and we are shut off from public.

A

According to the Hindu Shastras also the soul of the deceased Brahmin cannot have salvation unless the body is cremated and if it is buried, there is obstacle for the attainment of such salvation.

In these circumstances, it is incumbent that the body of my deceased father should be handed over to me for being cremated.

I therefore humbly and respectfully pray that your Honour may be kindly pleased to direct the Subjail authorities to take urgent steps to get the body of the deceased father exhumed and to deliver the same to me immediately, so that I may proceed with the cremation of the same, and do the needful.

For which act of kindness and grace I shall be ever grateful.

Endorsement No.N.Ref.G.4026-29 dated 1-5-29 of the District Magistrate.

Forwarded to the Superintendant, Subjail, Mangalore, for immediate remarks.

2. His attention is invited to (rule Section) 557, chapter XXXIX of the Jail Manual

Endorsement No. nil, dated 2-5-29 of the Superintendent, Subjail, Mangalore -

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R e t u r n e d.

2. The convict referred to in thepetition died on the night of 25th March 1929 at 11 P.M. About three days previous to his death the petitioner with his vakil Mr.K.Gopal Rau, B.A., B.L., had come to the jail and interviewed the deceased convict. They knew full well the condition of the convict and had also been told by me that his condition was precarious. Neither the petitioner nor any of the deceased convict's friends or relations expressed any desire or made any arrangement or expressed any intention as to the disposal of the dead body in case of death.

Though not legally bound to give such intimation of death, my jailor sent word to vakil Mr.Gopal Rau as the whereabouts of the petitioner or other relations of the deceased were not known to the jail authorities.

The body was kept till 12 noon the next day with the hope that some relation or friend might turn up to claim the body. But none came. Vakil Mr.K.Gopal Rao appeared to have gone out to Udipi and the only person that came to the jail before the burial of the body was Subraya the approver in the case and who also appears to be a relative of the deceased. He too did not express any desire to take the body for disposal and I was therefore obliged to give it the usual burial prescribed in the Rules.

Rule 667 does not make it incumbent upon me to give any notice to anybody, but gives me a discretion to deliver the dead body in case the relations or friends express a desire to have it, before the disposal of the body by the jail authorities.

In this case there was no such intention expressed and I did what I could to see if the body could not be delivered to friends or relations to be disposed off according to their caste rules.

The body is as usual buried in the jail burial ground

ground and I am not aware of any provision of law or rules empowering me to exhume the body and hand it over to the relations or to anybody.

Endorsement No.J.781/29 dated 1st May 1929 of the Superintendent, Subjail, Mangalore, to the Inspector-General of Prisons, Ootacamund

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Submitted to the Inspector-General of Prisons, Ootacamund for information together with the copy of the petition and the endorsement of the District Magistrate, South Kanara.

This office letter No.5941 dated 6th May 1929 to the Superintendent, Subjail, Mangalore -

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Subjail, Mangalore - exhumation of the body of convict Narayaniya buried in the Jail burial ground on the 26th April 1929 - Petition dated 29th April 1929 from his son Ramappa to the District Magistrate, South Kanara

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With reference to his endorsement No.J.781/29 dated 1st May 1929, the Superintendent, Subjail, Mangalore, is informed that it is undesirable to permit exhumation of the body of the convict referred to above at this late date. In any case, the Inspector-General considers that it is a matter for the District Magistrate to decide.

Letter No.L.Dis.C1-4026-29, dated 3rd May 1929 from the District Magistrate, Mangalore, to the Superintendent, Subjail, Mangalore.

Jails - Subjail, Mangalore - dead body of convict Narayaniyya - exhumation - orders passed -

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Application dated 29-4-1929 of Ramappa son of Narayaniyya, Mattu Village, Udipi Taluk -

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O r d e r:-

The District Magistrate is not authorized to give

to the Subjail authority the direction requested. The petitioner may address the Inspector-General of Prisons in the matter.

(True copies)

H.B. Lasimpattey

For Inspector-General of Prisons.

Scott. II-10 (a)—16,002—6-2-23. (6)

28/29.5

Law (Gen.) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Jails

Exhumation of corpse of Convict - Sub-jail Mayalne - permitted as a special case

READ AGAIN G.O. No. [illegible] dated ..... 192 .

" " " " " " 192 .

READ ALSO;-

C. No. 3646 C, From the D.G. of Prisons G.O. No 425 , dated 11.V. 1929.

" " " " " " 192

" " " " " " 192

Nadm. No. 2221

ORDER.

No. 3(3)1815 dated 18/5/ 192

The Govt. are pleased to permit, as a special case, the exhumation of the Corpse ~~by the petitioner~~ if the Medical Officer in charge of the Sub-jail, Mayalne certifies that there will be no danger to the health of the inmates of Sub-jail.

2. The D.M.S. Kanara is authorized to order exhumation under the immediate Supervision

of the Supt. and the Medical Officer in charge of the Sub. jail. Mangalore.

8.V

Jour 18.V.

To

The D.G. of Prisons Bangalore

(Through the Letter No
the Supt. Sub jail, Mangalore
Rc No. D3 C-1-4026/4
dt. 3.V.4) Pp 1-5 Cl

Draft memo is kept below.

GOVERNMENT OF MADRAS

S u b j e c t.

Jails - Exhumation of corpse of convict - Sub-Jail, Mangalore - permitted as a special case.

Law (General) Department

G.O.No.50/Miscellaneous Dated - 18th May 1929.

Read the following paper:-

Letter from the Inspector-General of Prisons, No.G.425, dated 11th May 1929.

O r d e r.-

The Government are pleased to permit, as a special case, the exhumation of the corpse if the Medical Officer in charge of the sub-jail, Mangalore certifies that there will be no danger to the health of the inmates.

2. The District Magistrate, South Kanara is authorized to order exhumation under the immediate supervision of the Superintendent and the Medical Officer in charge of the Sub-Jail, Mangalore.

(By Order of the Governor in Council)

J.Venkatanarayana,
Secretary to Government.

CMG

To

The Inspector-General of Prisons
The District Magistrate, South Kanara (with reference to his letter to the Superintendent, Sub-Jail, Mangalore No.L.Dis.C-1-4026/29, dated 3-5-1929.)

F o r w a r d e d

(By Order)

Under Secretary to Government.

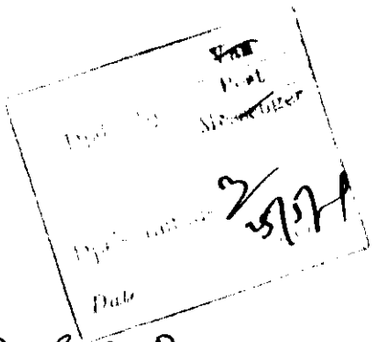
CMG

Law (Genl) Dept

Memo. No. — dt 25-5-29

25/5

G.O. No. 5(5) Misc. dt 18.5.29 — Jails — Exhumation of corpse of convict — Sub-Jail, Mangalore.



The Madras number of the above G.O. is 2221

25.5.29.

25/5

To

The I. G. of Prisons,

The D. M., S. Kanara

~~My Supdt., Sub-Jail, Mangalore.~~

Urgent

Law (Jail) 20417

CNo. 3646 C. From the D. G. of Prisons, No. G 425 of 11.5.29.

Jails — Sub-Jail Mangalore — Exhumation of corpse of convict

H.S.W. to municipal authorities

One Narayanaiya, a prisoner in the Sub-Jail Mangalore, died on 25.3.29 and was buried in the Jail burial ground on the 26th March 1929 as no one claimed the body. For the reasons given at 'A' on the 2nd f. the son of the deceased prisoner requests that the corpse may be exhumed and delivered to him so that he may cremate it. The D. G. of Prisons stated on 6.5.29 that it was undesirable to permit the exhumation of the body at such a late date and that it was a matter for the Dt. Magistrate to decide. The D. M. considers that he is not competent to give orders in the case and that the petitioner, the son of the dead convict, should apply to the D. G. of Prisons. The D. G. has applied to Government for instructions.

2. Rule 667 of the Jail Manual and Rule 39 of the Subjail Manual which deals with the disposal of the corpses of

of prisoners do
not speak of exhumation of
the body after its burial for handing it
over to relatives. Section 176 (2) of the
Code of Criminal Procedure gives power to
Magistrates to disinter Corpse to discover the
Cause of death. There appears to be no
[illegible] of the body
of a dead prisoner for being handed over to
his relatives. There appears to be,
as a special case,
however, no objection to permitting the
petitioner himself to exhume the body
under the supervision of the Sub-Jail
authorities.

A draft order is submitted for
[illegible]

15.5.29
CW
15.5.29

[illegible]

S

If the Medical officer in charge
certifies that there is no danger to the
health of the inmates of the Sub-Jail,
the SDO may be authorised to
order exhumation under the circumstances

supervision of the Supdt of the Medical officer.

Jan
18/V.

Treat as Secret

C_4 WKW
18-5-29

SEG

Draft Subs for approval

PK
18.5.

WSHW
Jan
18/5-

Secrt. II-5 (a)—48,004—6-21-28. (6).

Law (Genl) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Jails. exhumation of corpse of convict — Sub-Jail, Mangalore — permitted as a special case.

READ AGAIN G.O. No. ....., dated 192

" " " " 192

READ ALSO :—

C. No. 3644C From the D. I. of Prisons No. I. 425 dated 11-5- 192 9

" " ..... " " 192

" " ..... " " ..... " ..... " 192

Not issued

ORDER.
Misc.

No. ....., dated ..... 192 .

The D. I. of Prisons is informed that the Govt permits a case the exhumation of the corpse by the petitioner himself under the supervision of the Sub-Jail Superintendent, Sub-Jail, Mangalore.

DI
15.5.29.
CW
15.5.29

To

The D.I. of Prisons (Cpo)